

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ZHAOJIN DAVID KE,
Plaintiff

v.

LIBERTY MUTUAL INSURANCE
COMPANY, *et al.*,
Defendants

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CIVIL ACTION

No. 20-1591

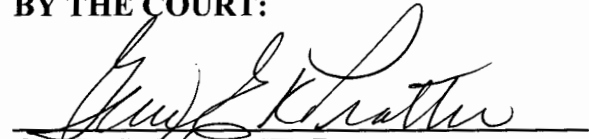
ORDER

AND NOW, this 14th day of December, 2020, upon consideration of Defendants' Motion to Dismiss the Amended Complaint (Doc. No. 10), Mr. Ke's Response in Opposition to the Motion to Dismiss (Doc. No. 11), Mr. Ke's Motion to Compel Discovery (Doc. No. 12), Defendant's Response in Opposition to the Motion to Compel (Doc. No. 13), and Mr. Ke's Reply in Further Support of the Motion to Compel (Doc. No. 14), it is **ORDERED** that:

1. Defendants' Motion to Dismiss (Doc. No. 10) is **GRANTED IN PART** and **DENIED IN PART** as follows:
 - a. The Motion to Dismiss (Doc. No. 10) Counts II, III, V, VI, VIII, IX, and X is **GRANTED** as to Liberty Mutual.
 - b. The Motion to Dismiss (Doc. No. 10) Counts IV and VII is **DENIED** as to Liberty Mutual.
 - c. Michael Guess is **DISMISSED** from this case.
2. Mr. Ke may file a Second Amended Complaint to amend only Count II to the extent he is able to do so consistent with the requirements set forth in the accompanying memorandum within 35 days of entry of this Order.
3. Mr. Ke's Motion to Compel (Doc. No. 12) is **GRANTED IN PART**.
 - a. Defendants shall submit an affidavit from an officer of Liberty Mutual stating that the "First Notice of Loss Snapshot" does not exist and detailing what efforts, if any, were taken to secure this document.

- b. Defendants are ordered to replace copies of the “vehicle recall notice” and “total loss conditioning guide” with legible versions. If such copies cannot be located after a good faith search, Defendants shall attest to the absence of legible versions in an affidavit.
- c. Mr. Ke’s request for unredacted documents relating to the third-party claim filed by Jared Grossman is **DENIED**.
- d. Mr. Ke’s request for documents withheld in Defendants’ privilege log is **DENIED**.

BY THE COURT:



GENE E.K. PRATTER
UNITED STATES DISTRICT JUDGE